

EXHIBIT C

DR # 100
9075DCC Delaware Correctional Center
1181 Paddock Road
Smyrna, DE 19977Date: 4-28-04
RECEIVED

MAY 04 2004

DISCIPLINARY HEARING APPEAL FORM

HEARING OFFICE CLERK

Inmate: Nicholson, Jessie H.SBI#: 00 - 133626**RE: DISCIPLINARY HEARING**

You have the right to appeal the decision of the Hearing Officer to the Commissioner of the Department of Correction, or his designee. Execution of any sanction imposed by the Hearing Officer shall be automatically stayed for seventy-two (72) hours immediately following the hearing **UNLESS YOU INDICATE ON THIS FORM THAT YOU DO NOT WANT** to appeal. If you do not file an appeal within seventy-two (72) hours, or if you indicate on this form that you do not want to appeal, the sanction shall be carried out immediately.



Yes, I do want to appeal.



No, I do not want to appeal.

I want the decision of the Hearing Officer to be:



Reversed, and/or



Remanded for further proceedings.

My reasons for making this appeal are:

Appeal description: On April 8, 2004, my cellmate was written up for a dope pipe. On April 12, 2004, I wrote the hearing officer in an attempt to help Matthew Anderson out. However, I did not state to Mr. Williams that the contraband was mine. On April 20, 2004, Mr. Anderson was found not guilty for the offense. That same day Mr. Williams made a fabricated statement against me to Sgt. Marchanelli. He told the Sgt. to write me up because I told Mr. Williams that the contraband in report NO. 1010855 was in fact mine. That was a complete lie by Mr. Williams. On April 28, 2004,

Date: May 2, 2004Inmate Signature: Jessie H. Nicholson

To file this appeal, mail it to the DCC Hearing Office.

* The 72 hour time limit will run only while you are incarcerated.

I was summoned to the SP room by Mr. Williams. Mr. Williams was attempting to hold a disciplinary hearing. I said to him that you do not have authority or discretion to conduct this hearing, because you facilitated this write-up against me with falsified information. Additionally, I told him that since he was directly involved with the accident he could not be an impartial hearing officer. Mr. Williams at this point became very abusive towards me. I told him that I'm not going to let him railroad me. At that point Mr. Williams attacked me by punching me in the face. I done nothing to provoke Mr. Williams.

Also, as I indicated in the letter I wrote to you, that 72 hours has elapsed since the incident happen, therefore according to the disciplinary rules the write-up is prohibited from being prosecuted even assuming that I had something to do with the contraband, which I did not.